

From: Ryan Shaffer <ryan@mss-lawfirm.com>
Sent: Tuesday, August 8, 2023 11:07 AM
To: Brett Jensen <BJensen@brownfirm.com>
Subject: RE: Caekaert/Mapley & Rowland Schulze: Response to WTNy's 7/27/2023 Ltr. re Rule 35 Exam

Brett,

I am checking in with my experts to see if the raw data proposal is workable.

Thanks,

Ryan

From: Brett Jensen <BJensen@brownfirm.com>
Sent: Monday, August 7, 2023 4:12 PM
To: Ryan Shaffer <ryan@mss-lawfirm.com>; Jessica Yuhas <jessica@mss-lawfirm.com>;
Gerry.Fagan@moultonbellingham.com; Christopher Sweeney
<Christopher.Sweeney@moultonbellingham.com>; Jon Wilson <jwilson@brownfirm.com>; Michael
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Cc: Rob Stepan <rob@mss-lawfirm.com>; Jared Brannan <jbrannan@mmt-law.com>;
carrie.nance@moultonbellingham.com; Barbara Bessey <BBessey@brownfirm.com>; Sylvia Basnett
<SBasnett@brownfirm.com>; Katy Gannon <katy@mss-lawfirm.com>; James Murnion <james@mss-lawfirm.com>;
Matthew Merrill <matthew@merrillwaterlaw.com>; Debbie Braaten
<debbie.braaten@moultonbellingham.com>
Subject: RE: Caekaert/Mapley & Rowland Schulze: Response to WTNy's 7/27/2023 Ltr. re Rule 35 Exam

Hi Ryan:

I just heard back from Dr. Bütz, and this is where things stand:

Regarding the release of raw testing data, Dr. Bütz will agree to release to Dr. Bone; however, Dr. Holmberg has not demonstrated through the information provided that he has adequate training, supervision, and experience conducting psychological assessments. I have Dr. Bütz's supporting information that I can provide you if you want. To keep things simple, can the MOA stipulate to the release of raw testing data to Dr. Bone only for full resolution of this issue?

As for Dr. Bütz's time in transit, I unfortunately do not have authority for further concession on the issue of cost. As you read in Dr. Bütz's July 17th letter, he has already limited his time in transit costs to a full 8-hour day. Obviously the trip to Australia is going to involve much longer days.

Let me know if you'd like to chat further.

Sincerely,

Brett C. Jensen
Brown Law Firm, P.C.
315 North 24th Street

EXHIBIT

16

caekaert.com

P.O. Drawer 849
Billings, MT 59103-0849
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From: Brett Jensen

Sent: Tuesday, August 1, 2023 2:25 PM

To: Ryan Shaffer <ryan@mss-lawfirm.com>; Jessica Yuhas <jessica@mss-lawfirm.com>;

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Matthew Merrill <matthew@merrillwaterlaw.com>; Debbie Braaten

<debbie.braaten@moultonbellingham.com>

Subject: RE: Caekaert/Mapley & Rowland Schulze: Response to WTNY's 7/27/2023 Ltr. re Rule 35 Exam

Thanks Ryan. I am following up with Dr. Bütz about this. That seems like a sensible solution re the raw testing data—I just need to make sure he is good with it.

I've also had some continued discussions with WTNY about the business class upgrades and time in transit. Can we resolve this issue if WTNY agrees to cover the upgrades, i.e. Plaintiffs cover the cost of seats in economy and WTNY covers the upgrades, and in exchange Plaintiffs cover Dr. Bütz's time in transit? Like we discussed yesterday, the concession for Dr. Bütz to fly halfway around the world in lieu of Ms. Mapley completing litigation activities in the forum where she filed suit is already a major concession. Dr. Bütz has thoroughly explained in his letters and provided supporting studies showing why in-person assessments are necessary. I frankly don't understand Plaintiffs' distinction between time in transit and travel costs. Both are additional costs directly related to Dr. Bütz's concession to travel for the examinations. Let me know if that would be a workable compromise.

Brett C. Jensen
Brown Law Firm, P.C.
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Billings, MT 59103-0849

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From: Ryan Shaffer <ryan@mss-lawfirm.com>

Sent: Monday, July 31, 2023 1:51 PM

To: Brett Jensen <BJensen@brownfirm.com>; Jessica Yuhas <jessica@mss-lawfirm.com>;

Gerry.Fagan@moultonbellingham.com; Christopher Sweeney

<Christopher.Sweeney@moultonbellingham.com>; Jon Wilson <jwilson@brownfirm.com>; Michael

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<debbie.braaten@moultonbellingham.com>

Subject: RE: Caekaert/Mapley & Rowland Schulze: Response to WTNy's 7/27/2023 Ltr. re Rule 35 Exam

Brett,

Following up on our call, so long as Dr. Butz agrees to provide the raw test data to our experts (Bone and Holmberg) we are good not requiring disclosure to Plaintiffs' counsel.

Thanks,

Ryan R. Shaffer



**Meyer, Shaffer
& Stepan, PLLP**

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430 Ryman St.

Missoula, MT 59802

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From: Brett Jensen <BJensen@brownfirm.com>

Sent: Monday, July 31, 2023 10:45 AM

To: Jessica Yuhos <jessica@mss-lawfirm.com>; Gerry Fagan <gerry.fagan@moultonbellingham.com>; Christopher Sweeney <Christopher.Sweeney@moultonbellingham.com>; Jon Wilson <jwilson@brownfirm.com>; Michael Sarabia <MSarabia@brownfirm.com>; Jordan FitzGerald <jordan.fitzgerald@moultonbellingham.com>; Joel Taylor <jtaylor@mmt-law.com> <jtaylor@mmt-law.com>

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Subject: RE: Caekaert/Mapley & Rowland Schulze: Response to WTNy's 7/27/2023 Ltr. re Rule 35 Exam

Hi Ryan:

Thanks for your letter. Can you chat with us today at 2pm? I will send out instructions to our conference line.

Brett C. Jensen
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From: Jessica Yuhas <jessica@mss-lawfirm.com>

Sent: Friday, July 28, 2023 2:52 PM

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Subject: Caekaert/Mapley & Rowland Schulze: Response to WTNy's 7/27/2023 Ltr. re Rule 35 Exam

Counsel,

Please see our attached response to your letter of July 27, 2023. This will follow via U.S. Mail.

Thank you,

Jessica Yuhas
Paralegal



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Tel: 406-543-6929
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